

NO. 25612

IN THE SUPREME COURT OF THE STATE OF HAWAII

ASSOCIATION OF APARTMENT OWNERS OF KALAMA TERRACE,
Plaintiff/Counterclaim Defendant,

vs.

AVANELL M. HAMILTON, Defendant/Cross-Claim Defendant/Appellant,

and

GE CAPITAL HAWAII, INC., a Hawai'i corporation; DEPARTMENT
OF TAXATION, STATE OF HAWAII; REAL PROPERTY TAX
DIVISION, DEPARTMENT OF FINANCE, COUNTY OF MAUI,
Defendants/Cross-Claim Defendants,

and

ASSOCIATES FINANCIAL SERVICES COMPANY OF HAWAII, INC.,
a Hawai'i corporation,
Defendant/Counterclaimant/Cross-Claimant/Appellee,

vs.

RENEE U. ELEBAN-NORTH; CHARLENE GREENE, AND
JOCELYN W. UNCIANO,
Additional Cross-Claim Defendants/Appellants.

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 98-0135(3))

ORDER DENYING DEFENDANT/COUNTER CLAIMANT CROSS-
CLAIMANT-APPELLEE ASSOCIATES FINANCIAL SERVICES COMPANY OF
HAWAII, INC.'S MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION
(By: Levinson, J.)

Upon consideration of Defendant/Counterclaimant Cross-
Claimant-Appellee Associates Financial Services Company of
Hawaii, Inc.'s motion to dismiss appeal for lack of jurisdiction,
the papers in support, and the records and files herein, it
appears that the record on appeal will not be docketed until

March 28, 2003, and without the record, this court cannot determine whether it has jurisdiction over this appeal.

Therefore,

IT IS HEREBY ORDERED that the motion to dismiss for lack of jurisdiction is denied without prejudice to Appellee filing a statement contesting jurisdiction in accordance with HRAP Rule 12.1 or a subsequent motion to dismiss appeal after the record on appeal is transmitted to the supreme court.

DATED: Honolulu, Hawai'i, February 28, 2003.

STEVEN H. LEVINSON
Associate Justice

Robert E. Chapman and
Mary Martin for defendant/
counter claimant cross-claimant-
appellee on the motion